

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
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WANG *et al.*) Group Art Unit: 1647
)
Application No.: 09/804,625) Examiner: D. Romeo
)
Filed: March 9, 2001) Confirmation No.: 2656
)
For: NOVEL BMP PRODUCTS)

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

I, Thomas S. Szatkowski, represent that I am an Assistant Secretary of Genetics Institute, LLC, formerly known as Genetics Institute, Inc., and am empowered to act on behalf of Genetics Institute, LLC. Genetics Institute, LLC is the assignee of record of the entire right, title, and interest in and to the invention in the subject application and U.S. Patent No. 5,166,058, by virtue of an Assignment recorded at Reel/Frame 005119/0329 and name changes recorded at Reel/Frame 012772/0631 and 012937/0815.

On behalf of Genetics Institute, LLC, I hereby disclaim, except as otherwise provided herein, the terminal part of any patent granted on the subject application which would extend beyond the expiration date of the full statutory term, including statutory extensions thereof of U.S. Patent No. 5,166,058, except to the extent that the term of this application No. 09/804,625 might be extended pursuant to the Drug Price Competition and Patent Term Restoration Act of 1984 (35 USC §156) or any other applicable act of Congress, and hereby agree that any patent so granted on the subject application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 5,166,058, this agreement to run with any patent granted on the subject application and to be binding upon the grantee, its successors or assigns.

Genetics Institute, LLC, does not disclaim any terminal part of any patent granted on the subject application prior to the expiration date of the full statutory term of U.S. Patent No. 5,166,058 in the event that such patents later: expire for failure to pay a maintenance fee; are held unenforceable; are found invalid by a court of competent jurisdiction; are statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a); have all claims cancelled by a reexamination certificate; are reissued; or are otherwise terminated prior to the expiration of their statutory term, except for the separation of legal title stated above.

Pursuant to 37 CFR 3.73(b), I have reviewed all the recordation information above or all documents in the chain of title of the subject patent application and, to the best of my knowledge and belief, title is in the assignee identified above.


I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of One Hundred and Thirty Dollars (\$130.00) is being filed with this disclaimer.

Date:

11/1, 2006

GENETICS INSTITUTE, LLC (formerly
known as GENETICS INSTITUTE, INC.)

By: 
Thomas S. Szatkowski
Assistant Secretary